

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2373 OF 2005

ROLIC AG etal

....Petitioner

Versus

Union of India and Ors.

... Respondents.

Mr. Shyam Divan, Senior Advocate, with M/s. Alankar Kirpekar, Manish Saurastri and Kiran Desai, instructed by M/s. Shantilal & Company, for the petitioner.

Mr.Rajiv Chavan with Mrs. N.V. Masurkar for respondents.

**CORAM: DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.**

DATE: SEPTEMBER 20, 2005.

P.C.

This petition is not on Board. It is taken on Board at the request of the learned counsel for the petitioner.

2. The petitioner is aggrieved by the order dated 5th May, 2005 passed by the Assistant Controller of Patents and Designs, by which the petitioner's application No. IN/PCT/2001/00051/MUM is deemed to have been abandoned under Section 21 (1) of the Patents (Amendment) Ordinance, 2004, for not meeting the requirements as under.

- (i) Method claim does not define method steps;
- (ii) Claim 1 does not define invention sufficiently;
- (iii) Title is not precise.
- (iv) Title is not consisted with description of and claim.
- (v) Last date was 25.02.2005.

3. The learned counsel for the petitioner submits that the petitioner has approached this forum because the Appellate Forum is not functioning. This fact has not been disputed by the learned counsel appearing for the respondents.

4. We have carefully perused the impugned order dated 5th May, 2005. In the facts and circumstances of this case, we deem it appropriate to set aside the impugned order and direct the Assistant Controller of Patents & Designs to give a reasoned order as expeditiously as possible, and, in any event, within six weeks from the date of receipt of this order.

5. No further directions are necessary. This petition is accordingly disposed of.

CHIEF JUSTICE

S.J. VAZIFDAR, J.;